

**Thursday, August 13, 2015**

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

**ROLL CALL:**

**PRESENT:** Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

**ABSENT:** Eric Meyer – Items 1-4

**PUBLIC COMMENT PERIOD**

1. Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.

Ken Topping: Opens Public Comment

Eric Greening, Jeff Eckles (Exec. Dir. Home Builders Assoc.): speak.

**PLANNING STAFF UPDATES**

2. This is the time set for Planning Staff updates.

Ellen Carroll, staff: updates Commissioners on their near term schedules.

**HEARINGS: (Advertised for 9:00 a.m.)**

3. Hearing to consider a request by BROHAUGH WINERY for a third time extension for a Minor Use Permit (DRC2009-00109) that authorized the conversion of an existing 2,000 square foot (sf) agricultural barn into a wine processing facility that will include a 500 sf tasting room. Also authorized were six (6) special events per year, with no more than 80 attendees, in addition to industry-wide events. The project will result in the disturbance of approximately 3,600 sf for the driveway access on a 130 acre parcel. The project is within the Agriculture land use category and is located on the north side of Creston Road at 6992 Creston Road, approximately 2.5 miles east of the City of Paso Robles. The site is located in the North County Planning Area, within the El Pomar-Estrella Sub Area.

County File Number: DRC2009-00109	Assessor Parcel Number: 035-081-003 & 035-091-007
Supervisory District: 5	Date Accepted: N/A
Project Manager: Brandi Cummings	Recommendation: Approval

Brandi Cummings, Project Manager: presents staff report via a Power Point presentation.

Bill Robeson, Executive Director: introduces new Planner I, Brandi Cummings.

Commissioners: have no ex parte contacts to report and begin deliberations.

**Thereafter on Motion by:** Don Campbell, **Second by:** Jim Irving, and on the following vote, the Commission conditionally approves the third time extension to be valid until May 21, 20167 for Minor Use Permit DRC2009-00109 based on the findings in Exhibit A, changing Finding F to add: "The project is located within the Paso Robles Groundwater Basin and is located in the Urgency Ordinance area. However, per Section 5.A.4 of the Ordinance, the project would not be required to offset water demand because the land use permit application was accepted as complete prior to the effective date of the Ordinance. In addition, per Section 5.A.5 of the Ordinance, any construction permit necessary to implement this land use permit (approved prior to the effective date of the Ordinance) would not be subject to the Ordinance; and subject to the Conditions listed in Exhibit B.; adopted.

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric				
Topping, Ken	x			

Eric Meyer was absent during this item.

4. Request by JANNECK, LIMITED (LAETITIA AGRICULTURAL CLUSTER) for a Tentative Tract Map and Conditional Use Permit to allow an agricultural cluster subdivision of twenty-one parcels (totaling 1,910 acres) into one hundred and two (102) residential lots and four (4) open space lots. The proposed project includes 101 1-acre residential lots plus one existing single-family residence, a ranch headquarters (includes a homeowner's association facility, recreation center, and community center), 25 acres of internal access roads, and a wastewater treatment plant. The ranch headquarters and wastewater treatment plant are proposed on the open space parcels. A proposed 7.7-acre dude ranch is not included in the Conditional Use Permit, but is included in the FEIR as a future development proposal. The proposed project is within the Agricultural and Rural Lands land use categories and is located approximately two miles south of the City of Arroyo Grande and two miles north of the community of Nipomo, on both the eastern and western sides of Highway 101. Also to be considered is the approval of the environmental document. A Final Environmental Impact Report (Clerk's File) was prepared for the project.

County File Number: SUB2003-00001 / DRC2003-00001

Assessor Parcel Number: 047-051-005; 048-121-006; 047-311-001, -007, -010, -011; 047-301-002, -003; 075-341-007

Supervisory District: 4

Date Accepted: February 5, 2004

Project Manager: Brian Pedrotti

Recommendation: Denial

Jim Bergman, Director of Planning and Building: comments on how the Planning & Building Department has conducted this proposal and further clarifies this proposal's request. Speaks to the values and actions of the department.

Commissioners: disclose their ex-parte contacts..

Bill Robeson, Executive Director: introduces agencies involved in proposal's staff report: Shawna Scott, EIR Consultant, Gordon Thorpp, Hydrogeologist, Rob Lewin, Cal Fire and Lynda Auchinachie, Ag. Dept.

Brian Pedrotti, Project Manager: presents staff report via a Power Point presentation.

Shawna Scott: overviews key environmental issues of the EIR.

Gordon Thrupp, Hydro Geologist: presents Power Point presentation on water measurements.

Shawna Scott, EIR Consultant: continues presentation with water resources.

Brian Pedrotti, Project Manager: wraps up the end of the staff report presentation.

Whitney McDonald discusses the additional finding presented to staff:

Victor Montgomery, agent: shows a Power Point presentation.

George Dennati, General Manager Pacific Vineyard Co.: shows an Ag Compatibility Power Point presentation.

Victor Montgomery, agent: discusses hand out provided with regard to agricultural buffers.

Mona Ebrahimi: addresses density bonuses in terms of ordinance language previously approved and demonstrates three (3) sources of authority where a density bonus is applicable in this case. Speaks to Secondary Emergency Vehicle Access.

Ken Topping: opens Public Comment.

Ron Tremper, Gordon Gill, Jim Skow, Gary Favrina, Cherie Fitzgerald, Vern Garcia, Mike McClure, Ray Toomey, Bob Blair: speak.

Rob Lewin, Cal Fire: discusses requirements such as secondary access and acquisition of land for a future fire station to which the applicant has agreed.

Jim Harrison: asks if the 102 units require a new fire station with Mr. Lewin explaining the impact of project mitigates new land for a fire station and provides reasoning.

Ken Topping: asks how management controls access & egress on Laetitia location with Mr. Lewin deferring to Cal Trans on this question.

Larry Newland, Cal Trans: provides clarification on average daily traffic, traffic accidents in the area, and states Cal Trans is on record recommending no intensification of vehicular access

at the existing driveway and the development of a Laetitia gate.

Jim Harrison: comments on record of accidents, increases over the last year, or average with Mr. Newland quoting 60 accidents.

Ken Topping: reconvenes meeting and re-opens Public Comment. James Toomey, Eric Greening, Istar Holliday, El-Jay Hansson, David Chipping (on behalf of Linda Chipping), Verna Grabel, Susan Wies, Betty Jamison, Laurie Laughlin, Hans Hansson, Patrick O'Connor, and Arthur Goldiner: speak.

Lynda Auchinachnie, Ag. Department: discusses the adoption of the Ag. Cluster ordinance in 1994 and changes since -as it applies to today's proposals. Comments on buffers that have been proposed in terms of the Ag. Department's buffer policy.

**Thereafter on Motion by:** James Harrison, **Second by:** Jim Irving, and on the following vote, the Commission continues this item to September 10, 2015.

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric				
Topping, Ken	x			

Eric Meyer was absent for this item.

5. Continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO for amendments to the Agricultural Element and the Conservation and Open Space Element of the General Plan; and amendments to Title 8 (Health and Sanitation Code), Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance) of the County Code in order to implement the Water Neutral New Development and the Water Waste Prevention components of the proposed Countywide Water Conservation Program. The proposed Countywide Water Conservation Program and associated amendments would affect water use in both new and existing development, including all urban and rural land uses within the unincorporated areas of the county as well as agricultural operations. The requested amendments would specifically modify: 1) the Agricultural Element of the County General Plan, Agricultural Goal – AG1 (Support County Agricultural Production), Agricultural Policies – AGP10 (Water Conservation) and AGP11 (Agricultural Water Supplies); 2) the Conservation and Open Space Element of the County General Plan, Water Resource Policy – WR 1.7 (Agricultural operations), Water Resource Implementation Strategy - WR 1.7.1 (Protect agricultural water supplies), and Water Resource Policy - WR 1.14 (Avoid net increase in water use); 3) Title 8 (Health and Sanitation Ordinance) of the County Code for the addition of a new Chapter 8.69 – Urban and Rural Development Water Conservation Requirements; 4) Title 19 (Building and Construction Ordinance) of the County Code, Chapter 7 – Plumbing Code, Section 19.07.42 – Water Conservation Provisions; and 5) Title 22 (Land Use Ordinance) of the County Code, Chapter 22.06 – Allowable Land Uses and Permit Requirements by Land Use Category, Section 22.06.030 - Table 2-2, Section 22.06.040 – Exemptions

from Land Use Permit Requirements, Chapter 22.30 – Standards for Specific Land Uses for the addition of a new Section 22.30.204 – New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin, Section 22.30.310 – Nursery Specialties, Chapter 22.62 – Permit Approval or Disapproval, Section 22.62.030 – Zoning Clearance, and Chapter 22.80 – Definitions/Glossary, Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases. This project affects all of the unincorporated portions of the County. Also for consideration is a Final Supplemental Environmental Impact Report (FSEIR) , that was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. (“CEQA”)) for this project. The Final SEIR was prepared as a Supplemental EIR to the previously certified Environmental Impact Report for the Conservation and Open Space Element (COSE) of the County General Plan, which analyzed the potential impacts associated with the adoption and subsequent implementation of the COSE Consolidation and Update. The Final SEIR addresses potential impacts on: Agricultural Resources and Land Use. Mitigation measures are proposed to address these impacts and have been incorporated into the proposed Countywide Water Conservation Program. CONTINUED FROM 5/14, 5/29, 6/4, & 7/30.

County File Number: LRP2013-00012

Assessor Parcel Number: All

Supervisory District : All

Date Accepted: N/A

Project Manager: Xzandrea Fowler

Recommendation: Board of Supervisors certify Final SEIR and adopt amendments

ERIC MEYER: IS NOW PRESENT.

Xzandrea Fowler, Project Manager: presents the "Order of the hearing" to assist Commissioners on their order of deliberations.

Mark Batney, UC Cooperative Extension: is available for questions.

Ken Topping: asks if Mr. Batney's analysis intended to suggest there was any conflict to what was said with ground water monitoring with Mr. Batney responding.

Wade Horton, Public Works: is available to address any questions on submitted memo regarding vineyard water use model using the overhead view presenting the model.

Commissioners: begin questioning Mr. Horton on well tests and monitor readings.

Jim Irving: asks Mr. Horton how much water is being pumped by the City of Paso Robles and areas of the airport with Mr. Horton responding.

Don Campbell: asks where do the 6000 rural residential agricultural wells fit into this model - in terms of the City of Paso Robles water use and the 11% municipal pumping figure provided by Public Works.

Jim Irving: would like the data for the area of the City of Paso Robles in terms of what their draw down and how much their wells are in decline vs residential home owners wells.

Ray Dianzo, Public Works: provides model information on municipal pumping.

Ken Topping: asks if the map of well level declines in the "red" area is accurate in terms of comparisons.

Jim Harrison: asks how information is gathered from the wells -are they being tested year to year by being pumped or not pumped within the last 24 hours because the reading would be different, with Mr. Horton and Mr. Dianzo responding.

Don Campbell: states research shows 18% water is not taken by vines -has this been included in analysis. Is there a default mechanism that shows Paso Robles pumps 24/7 with Mr. Horton responding.

Mark Batney, UC Coop Ext.: clarifies water pumping as per whether the analysis is included in the port

Xzandrea Fowler, Project Manager: overviews changes to the amendment language.

Ken Topping: Opens Public Comment.

John Snyder, Eric Greening, Claire Wineman (Grower Shipper Program), Sue Luft, Robert Brown, Laurie Gage, Mike Brown, Michael Baugh, Bill Pelfry, Patricia Wilmore, and Joy Fitzhugh: speak

Xzandrea Fowler, Project Manager: addresses public comment issues and continues on with showing amendments and edits made. Commissioners: fine tune language.

Whitney McDonald, County Counsel: is hesitant for the Commission to recommend changes to Title 8 language for well permit requirements as changes to this ordinance is under the purview of Health and Safety and can only be changed by the Board of Supervisors (BOS) and provides reasoning. Suggests any changes should be made to Title 22 and provides reasoning.

Commissioners: discuss the issue of maintenance of well pumps in terms of the word "repair" regarding changing Title 8 language.

Jim Irving: has a concern that Title 8 would have to be changed anyway for other areas of the county such as South County, and provides reasoning. Would like to make Title 8 language change recommendation to the Board of Supervisors, so all areas are included in Titles.

Xzandrea Fowler, Project Manager: begins editing ordinance language in tract changes on the screen for the Commissioners review.

Jim Irving: would like language to the effect "normal maintenance of a well shall not trigger the provisions".

Xzandrea Fowler, Project Manager: refers Commissioners to Conservation and Open Space language in WR1.7, 1.71 and Wr 1.4 as per Grower Shipper letter recommending removal of language with Commissioners deliberating.

Jim Harrison would strike language indication and provides reasoning.

Commissioners: straw vote to strike the language Jim Irving, Eric Meyer, and Ken Topping support language as given.

Xzandrea Fowler, Project Manager: moves on to Water Meter Installation and Reading as per recommendation from Grower Shipper to strike language with Commissioners and staff deliberating.

Whitney McDonald, County Counsel: Referring to Pg. 5-13 suggests adding the clause '...as defined by resolution adopted by the Board of Supervisors" on how to implement this resolution especially regarding Exemption 3.

Xzandrea Fowler, Project Manager: reads into the record how the Exemption 3 now reads.

Michael Hanebutt, staff: begins discussion on the deminimus exemption number 5 on Pg. 6 of 13 with Commissioners input.

Xzandrea Fowler, Project Manager moves on to request for deleting well meter requirement from the off set per Shipper Grower suggestion with Commissioners not changing the language.

Xzandrea Fowler, Project Manager: further addresses Public Comment.

Thereafter on **Motion by** Eric Meyer, **Second by** Jim Irving, and on the following vote, the Commission extends this meeting past 5:00 PM

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

Jim Irving: requests Public Works bring modeling data for the City of Paso Robles regarding pumping data from the wells in the City.

Commissioners; address Public Comment regarding environmental review being required of an ordinance in terms of sun setting with County Counsel discussing ordinance extermination dates and letting the BOS determine this.

Don Campbell: has concerns with how the quality of the agricultural off set program is compared to residential rural off setting and would like to know how this ordinance helps when a rural residence will be developed with Ms. Cochran responding. Has concerns and feels agriculturalists are burdened by these amendments and provides reasoning.

Jim Irving: feels this is interim for 3-5 years, and feels these amendments are not totally equitable and agrees with Commissioner Campbell that the agriculturalists are being

burdened by these amendments however feels the Commissioners work on the local level is good.

Jim Irving: agrees with the termination language the Commission has already crafted as well as Commissioners Meyer and Topping.

Don Campbell: reports he would vote to approve these amendments with a two year sunset and provides reasoning.

Jim Harrison: is unhappy with Conservation and Open Space Element (COSE) revisions regarding LOS II and III areas and would like the end of the sentence deleted with Mr. Hanebutt responding. Commissioners: begin reconstructing sentence.

**Thereafter on motion by** Jim Irving, **Seconded by** Eric Meyer, and on the following vote, the Commission recommends the Board of Supervisors certify the Final SEIR, including Appendices; adopt CEQA Findings; adopt amendments to the Agricultural Element and the Conservation and Open Space Element of the General Plan; and adopt amendments to Title 8 (Health and Sanitation Ordinance), Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance) of the County Code.

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James		X		
Irving, Jim	X			
Campbell, Don		X		
Meyer, Eric	X			
Topping, Ken	X			

Commissioners: elaborate on their concerns for the adoption of this ordinance, and provide reasoning for their votes.

**Thereafter on Motion by:** Eric Meyer, **Second by:** Jim Irving, and on the following vote, the Commission accepts all testimony and correspondence entered into the record!

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	X			
Irving, Jim	X			
Campbell, Don	X			
Meyer, Eric	X			
Topping, Ken	X			

**Thereafter on Motion by:** Jim Irving, **Seconded by:** Eric Meyer, and on the following vote, the Commission adjourns this meeting of the Planning Commission to August 27, 2015.

**Second by:**

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	X			
Irving, Jim	X			



Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

**ADJOURN: 5:28 PM**

Respectfully submitted,  
Ramona Hedges, Secretary  
San Luis Obispo County Planning Commission

**Minutes approved at the xx/xx/xx Planning Commission meeting.**